K George III King v.

TO THE

KING's MOST EXCELLENT MAJESTY,

The HUMBLE PETITION of the Subſcribers, Inhabitants of Your MAJESTY's City of Edinburgh, and of the Neighbourhood;

BRITISH MUSEUM

SHEWETH,

THAT the inhabitants of Your Majeſty's City of Edinburgh, and of the neighbourhood, having been long attached to dramatic entertainments, humbly preſume to approach Your Majeſty, in the hope, that You will be induced to grant the requeſt they now make, which is to ſecure to them the proper enjoyment of their favourite amuſement of the Theatre.

That in conſequence of an act of Parliament, paſſed in the year 1767, Your Majeſty, Your heirs and ſucceſſors, were authoriſed to grant letters-patent for eſtabliſhing a Theatre in the City of Edinburgh. In conſequence of this authority, letters-patent were granted in favour of Mr Henry Davidſon, ſolicitor in London, who conveyed the ſame to Mr David Roſs, comedian. Mr Roſs afterwards conveyed the ſame to Mr John Jackſon.

Theſe letters-patent expired in the year 1788, and new letters-patent were, upon the 19th day of Auguſt of that year, granted in favour of Your Majeſty's right truſty and entirely beloved Couſin Douglas Duke of Hamilton and Brandon, and Your Majeſty's right truſty and well-beloved Henry Dundas

of

of Melville-Caſtle, in the county of Edinburgh, to endure for the ſpace of twenty-one years, from the 29th day of September 1788.

That Your Majeſty's petitioners are informed, that the ſaid letters-patent are null and void, the ſame having paſſed the Great Seal of Great Britain, in place of the Seal appointed to be uſed in Scotland by the treaty of Union between the kingdoms of England and Scotland. This nullity is founded upon the 24th article of the ſaid treaty, by which it is provided, 'That a Seal in Scotland, after the Union, be always kept and 'made uſe of in all things relating to private rights or grants 'which have uſually paſſed the Great Seal of Scotland, and 'which only concern offices, grants, commiſſions and private 'rights, within that kingdom.'

That beſides this nullity in the patent, it is otherwiſe rendered ineffectual. The Moſt Noble and Right Honourable patentees are by the patent inveſted with equal powers for the eſtabliſhment of a Theatre in the City of Edinburgh. This can only be done by their joint conſent; no individual act of either of them can be of any avail; and they having differed in opinion as to the diſpoſal of the patent, it thereby becomes, to all intents and purpoſes, as completely ineffectual, as if it had never exiſted.

In this ſituation, a petition has been preſented to Your Majeſty, in name of the Right Honourable Thomas Elder, as Lord Provoſt of this City, the Right Honourable Robert Dundas, as Lord Advocate for Scotland, and the Honourable Henry Erſkine, as Dean of the Faculty of Advocates, praying, That a new patent may be granted by your Majeſty, to be held by the perſons holding the offices of Lord Provoſt, Lord Advocate and Dean of Faculty, as truſtees for the public of Edinburgh: And in caſe the ſame perſon ſhall at any time hold both the offices of Lord Advocate and Dean of Faculty, or that any of the perſons before mentioned ſhall refuſe to be a patentee, that in either of theſe caſes, the Deputy Keeper of Your Majeſty's Signet for Scotland ſhall be a patentee, until the ſaid offices ſhall be again held by different perſons, or until ſome perſon ſhall be appointed to ſucceed the patentee who had refuſed to accept.

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As Your petitioners are ſatisfied, that the only way of ſecuring the proper enjoyment of Theatrical performances in this City, is by veſting the patent in the hands of truſtees for the public; and that the perſons holding the offices of Lord Provoſt, Lord Advocate and Dean of Faculty, and in either of the caſes before mentioned, the Deputy Keeper of Your Majeſty's Signet, are, from their official ſituations, the moſt proper for holding that truſt, we humbly pray, That Your Majeſty may be graciouſly pleaſed to grant the requeſt of the petition made by the Lord Provoſt, Lord Advocate and Dean of Faculty, in behalf of the public.

Your petitioners therefore humbly pray Your Majeſty, That Your Majeſty may be graciouſly pleaſed to grant the requeſt of the petition preſented by the Right Honourable the Lord Provoſt, the Right Honourable the Lord Advocate, and the Dean of the Faculty of Advocates, in behalf of the public of Edinburgh.

And Your petitioners, as in duty bound, ſhall ever pray, &c.

This Petition has been ſigned by the Lord Provoſt, Magiſtrates and Town-Council of the City of Edinburgh, the Lord Advocate, Dean of Faculty, and a great number of the moſt reſpectable inhabitants; and is lying in the Outer Parliament-houſe for the ſubſcription of ſuch other of the inhabitants as ſhall approve of it.

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